

SUPERIOR COURT  
of the  
State of Delaware

William L. Witham, Jr.  
Resident Judge

Kent County Courthouse  
38 The Green  
Dover, Delaware 19901  
Telephone (302) 739-5332

November 8, 2011

Mr. Nathan Guinn - Inmate  
James T. Vaughn Correctional Center  
1181 Paddock Road  
Smyrna, Delaware 19977

Re: ***State v. Nathan Guinn***  
I.D. No. 0207018218  
Supreme Court Appeal No. 569, 2011  
*Letter Order on Defendant's Motion for Sentencing Transcripts*

Dear Mr. Guinn:

The Court has your motion for sentencing transcripts received on October 31, 2011.

Requests for State-purchased transcripts by a criminal defendant seeking post-conviction relief are considered at the Court's discretion.<sup>1</sup> There is no "blanket constitutional right to a free transcript for the purpose of preparing a post-trial motion."<sup>2</sup> Superior Court Criminal Rule 61(d)(3) provides in pertinent part as follows:

[T]he judge may order the preparation of a transcript of any part of the prior proceedings in the case needed to determine whether the movant may be entitled to relief.<sup>3</sup>

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<sup>1</sup> *Miller v. State*, 2008 WL 623236, at \*2 (Del. Mar. 7, 2008).

<sup>2</sup> *State v. Allen*, 2002 WL 31814750, at \*1 (Del. Super. Nov. 4, 2002).

<sup>3</sup> Super. Ct. Crim. R. 61(d)(3).

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The defendant is required to make a showing of “particularized need” for a transcript.<sup>4</sup> If a defendant fails to demonstrate how the transcript would assist him in his appeal, it is well within this Court’s discretion to deny the request for a transcript.<sup>5</sup>

In the case *sub judice*, Mr. Guinn’s motion indicates that “the testimony of arresting officers prove Defendant’s argument that he was denied his Constitutional right to remain silent.” However, you do not say why and how your rights were denied. Although this Court evaluates *pro se* pleadings by a “less stringent standard” than a pleading filed by an attorney,<sup>6</sup> there are limits to this rule of liberal interpretation. Here, there is simply nothing from which this Court can infer a “particularized need” for the transcripts.

Furthermore, a factual basis must be stated and a clear identification of any fundamental rights should be noted in the motion. The decision of this Court makes “clear that when a defendant offers no factual basis and fails to clearly identify the fundamental rights claimed to be violated, the Court will deny the motion.”<sup>7</sup>

Therefore, Defendant’s Motion for Transcripts is ***denied***. IT IS SO ORDERED.

/s/ William L. Witham, Jr.  
Resident Judge

WLW/dmh

oc: Prothonotary

xc: Mr. Nathan Guinn, JTVCC

John R. Williams, Esquire

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<sup>4</sup> *Freeman v. State*, 2003 WL 1857605, at \*1 (Del. Apr. 8, 2003).

<sup>5</sup> *Amaro v. State*, 2003 WL 21364534, at \*2 (Del. Jun. 9, 2003); *United States v. MacCollum*, 426 U.S. 317, 330 (1976) (Blackmun, J., concurring) (“Nor does the Constitution require that an indigent be furnished every possible legal tool, no matter how speculative its value, and no matter how devoid of assistance it may be.”).

<sup>6</sup> *Johnson v. State*, 442 A.2d 1362, 1364 (Del. 1982).

<sup>7</sup> *State v. Ketchum*, 2002 WL 234745, at \*1 (Del. Super. Jan. 31, 2002).